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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,740	11/17/2003	Ki-Chang Kim	11038-112-999	6806
24341	7590	09/06/2005	EXAMINER	
MORGAN, LEWIS & BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL PALO ALTO, CA 94306			VANAMAN, FRANK BENNETT	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,740

Applicant(s)

KIM, KI-CHANG

Examiner

Frank Vanaman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/17/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Oath/Declaration

1. Applicant's declaration is noted. The examiner notes that the correspondence address is not the same as applicant's address, although no explicit power of attorney has been filed in the instant application.

Claim Rejections - 35 USC § 112

2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 2, line 5, it is not entirely clear what is meant by "horizontally formed".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshimitsu et al. (US 5,375,821). Toshimitsu et al. teach a mounting structure for a vehicle including a mount including a vibration insulating member made of a rubber material positioned between inner and outer pipes (4), a chassis bracket (20) coupled to the outer pipe for mounting to an engine room element (3), so as to orient the pipe in a longitudinal direction ("X") of the vehicle; a mounting bracket (22) providing vertical walls which are connected by a connecting wall including vertical wall and a horizontal plate portion (figure 2) wherein the vertical walls are provided with bolt holes (22a) for accommodating a bolt (23) which extends through the inner pipe (13) of the mount, to be fixedly connected to a heavy part of the vehicle (see col. 3, lines 13-14). The reference to Toshimitsu et al. fails to teach the chassis bracket as being configured for connection to an engine room side wall. It is old and well known to reverse the mating

Art Unit: 3618

portions of a connection device, and in this case, it would have been obvious to one of ordinary skill in the art at the time of the invention to reverse the orientation of the mounting assembly taught by Toshimitsu et al. such that the portion 22 is provided on the engine room component and the portion 20 is provided on the engine room wall for the purpose of facilitating faster assembly and installation, in that the mount may then be connected to the engine and placed atop the mounting portions positioned on the engine room walls. As regards claim 3, the reference to Toshimitsu et al. fails to specifically teach that the horizontal plate portion of bracket 22 is provided with bolt holes, however inasmuch as it is positively taught to be fixedly connected to a vehicle portion, it would not be deemed to be beyond the skill of the ordinary practitioner to provide bolt holes in the horizontal plate portion so as to allow a constructor to fix the plate to the vehicle portion.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toshimitsu et al. in view of Mefford (US 5,305,847). The reference to Toshimitsu et al. is discussed above and fails to teach the mounting bracket as including both vertical and horizontal walls formed with bolt holes. Mefford teaches a bracket configuration (see, e.g., figure 4) which includes a bracket element (e.g., 32) formed with both vertical (36, 38) and horizontal (40) walls, both of which are provided with bolt holes. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the bracket taught by Toshimitsu et al. with a pair of orthogonal walls, one vertical, one horizontal, each with bolt holes, as taught by Mefford, for the purpose of connecting to a corner of the vehicle element to which it is attached, facilitating a stronger connection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takami et al. (US 4,508,072), Takehara et al. (US 4,564,082), Bittner (US 4,779,834), Fujii et al. (US 5,129,479), Shimose et al. (US 5,740,876), and Wolf et al. (US 6,363,613) teach support devices of pertinence.

Art Unit: 3618

7. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

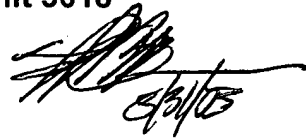
A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618

A handwritten signature in black ink, appearing to read 'F. Vanaman', with a date '4/21/05' written below it.